

REMARKS

By this response, claims 1, 9, 12, 14 and 40 have been amended, and claims 2-4 and 22-39 have been canceled without prejudice to or disclaimer of the subject matter contained therein (and Applicants reserve the right to file one or more continuing applications directed to the canceled subject matter), leaving claims 1, 5-21, 40 and 41 pending.

Claim 1 has been amended to include the features of claim 39. Claim 14 has been rewritten in independent form to recite the combined features of claim 1 (as previously presented) and claim 14. Claim 40 has been rewritten in independent form to recite the combined features of claim 1 (as previously presented) and claim 40. The amendments (a) do not raise any new issue that would require further search and/or consideration, (b) do not raise the issue of new matter, (c) do not add any additional claims, and (d) place the application in condition for allowance. Accordingly, the amendments should be entered.

Reconsideration of the application is respectfully requested in view of the following remarks.

Allowable Subject Matter

Applicants gratefully acknowledge the indication that claims 5, 7, 10, 13, 14, 16, 21, 39 and 40 contain allowable subject matter.

Objection to Specification

The specification has been amended to provide antecedent basis for the subject matter recited in claim 12.

Withdrawal of the objection is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 9 and 17 stand rejected under 35 U.S.C. § 112, second paragraph, for the reasons stated at page 2 of the Office Action.

Regarding claim 9, Applicants submit that one skilled in the art would understand the meaning of the term "diamond-like layer." However, this term has been deleted to expedite prosecution.

Claim 17 recites that "at least one of pressure during the annealing, the temperature of the annealing and the period of the annealing are selected that a relief moulding of the structured surface of said first substrate will be produced on the surface of said second substrate of glass." In other words, claim 17 recites that at least one of the pressure, temperature and period during annealing are selected to produce a relief moulding of the structure surface of the first substrate on the surface of the second substrate of glass. Applicants submit that the meaning of the language of "at least one of pressure" within the context of claim 17 is clear and definite and would be understood by one having ordinary skill in the art.

Thus, it is submitted that claims 9 and 17 are in compliance with the requirements of 35 U.S.C. § 112, second paragraph. Therefore, withdrawal of the rejection is respectfully requested.

First Rejection Under 35 U.S.C. § 102

Claims 1, 6, 8-9, 11-12, 15, 19-20 and 41 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,305,194 to Budinski et al. ("Budinski"). The reasons for the rejection are stated on pages 3-4 of the Office Action.

Claim 1 has been amended to include the subject matter of claim 39. As claim 39 was not rejected under this ground of rejection, claim 1 is patentable over Budinski.

Therefore, withdrawal of the rejection is respectfully requested.

Second Rejection Under 35 U.S.C. § 102

Claims 1, 11, 15, 18-20 and 41 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,385,997 to Nelson et al. ("Nelson"). The reasons for the rejection are stated on pages 4-5 of the Office Action. The rejection is respectfully traversed.

As was explained in the Amendment filed on August 17, 2004, the present application is a U.S. national stage application of International Application No. PCT/EP00/11688, and claims foreign priority to German Application No. 199 56 654.2, filed on November 25, 1999. However, Nelson has a U.S. filing date of May 12, 2000, and thus does not qualify as a reference against the present application under 35 U.S.C. § 102(e).

In order to perfect their claim for foreign priority to German Application No. 199 56 654.2, an English-language translation of the German priority application has been submitted herewith. As stated in the Certification accompanying the translation, the translation is believed to be a "true and correct English rendition" of the German priority application.

Therefore, withdrawal of the rejection is respectfully requested.

Conclusion

For the foregoing reasons, allowance of the application is respectfully requested. Should the Examiner have any questions regarding this response, Applicants' undersigned representative can be reached at the telephone number given below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 28, 2005

By: 

Edward A. Brown

Registration No. 35,033

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620